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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of)	MM Docket 94-88
)	
COMMUNITY EDUCATIONAL ASSOCIATION)	File No. BPED-930316MF
Holly Hill, Florida)	
)	
For a Construction Permit for a)	
New Noncommercial Educational FM)	
Station on Channel 212A)	

RECEIVED

OCT 13 1994

To: Honorable Joseph Chachkin
Administrative Law Judge

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

PETITION FOR LEAVE TO AMEND

Community Educational Association ("CEA") by its counsel and pursuant to § 73.3522(b) of the Commission's Rules, offers a post-designation amendment to its application relating to its purpose and how CEA will advance its educational program.

1. After determining the application of CEA was mutually exclusive with the application of Cornerstone Community Radio, Inc. ("CCR") the Chief, Audio Services Division released a Hearing Designation Order, DA 94-789, on August 2, 1994, (the "HDO") designating the two applications for hearing. CEA commissioned an engineering study to determine whether there was a way to resolve the conflict between the two applications through an engineering amendment and avoid a comparative hearing.

2. The engineering study produced a solution to the conflict between the competing applications, which CEA offered as an amendment to its application on August 30, 1994. The Presiding Judge accepted the amendment and granted the CCR application, leaving CEA as the sole applicant in this docketed proceeding. See

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Memorandum Opinion and Order, FCC 94M-521, released September 13, 1994 (the "MO&O").

3. The HDO specified the following issue against CEA:

To determine whether CEA is a qualified educational organization proposing an acceptable educational format in compliance with 47 C.F.R. § 73.503(a) of the Commission's Rules.

Once its engineering amendment was prepared and filed, CEA turned its attention to addressing this issue. ¹

4. Counsel for CEA engaged in conversations with the non-commercial educational specialist in the FM Branch and the Hearing Branch to determine the breadth of the issue and available case precedent on the issue. Following his analysis, counsel explained the situation to the principals of CEA. The principals circulated drafts among themselves, discussed certain issues with counsel and provided counsel with their final draft for review and critique. After discussions counsel and some further revisions, the amendment was approved by CEA and tendered on this date for filing. ²

5. As this amendment is being offered more than 30 days after issuance of the HDO, § 73.3522(b) of the Commission's Rules requires a showing of "good cause" before it can be accepted. To satisfy the good cause inquiry, an applicant must demonstrate that it has acted with due diligence, that the amendment was not

¹ There is an air-hazard issue pending against CEA as well, but based upon informal contact with the FAA, CEA has been advised that the FAA will soon be able to issue a Determination of No Hazard with respect to its proposed site.

² The Amendment is being filed contemporaneously under separate cover. A copy of the amendment is attached hereto for convenience.

required by its voluntary act, that no additional issues or parties would be required, that the hearing process will not be disrupted, that there will be no prejudice to competing applicants and that the applicant will not gain a comparative advantage. See California Broadcasting Corp., 90 FCC 2d 800, 808 (1982), citing, Erwin O'Connor, 22 FCC 2d 143, 143 (Rev. Bd. 1970). CEA submits sufficient good cause exists to accept the amendment.

6. CEA submits that it has proceeded with diligence in first spearheading the resolution of the mutual exclusivity formerly present in this case, and then with preparing an amendment in conformity with FCC rules and policies, to better explain its qualifications as a non-commercial reserved band FM licensee. The amendment is being submitted approximately five weeks from the day CEA filed the engineering amendment resolving the mutual exclusivity, and approximately three weeks from issuance of the MO&O granting CCR's application, and leaving CEA alone in the docket.

7. The amendment is not the result of CEA's voluntary act, but in response to an issues specified against it in the HDO. CEA's application is the sole remaining applicant in this docket, and as a result, acceptance of the amendment cannot prejudice competing applicants, will not result in any additional parties or issues, and will not disrupt the hearing process. In fact, acceptance of the amendment may serve to expedite the hearing process, as CEA plans to file for Summary Decision on the outstanding issues which, if granted, will serve the public interest by allowing expeditious initiation of new non-commercial

educational service to the Holly Hill community and conservation Commission resources by avoiding an evidentiary hearing.

WHEREFORE, it is respectfully requested that the Presiding Judge grant CEA's Petition for Leave to Amend and accept its proffered amendment.

Respectfully submitted,
COMMUNITY EDUCATIONAL ASSOCIATION

A handwritten signature in dark ink, appearing to read 'Scott C. Cinnamon', is written over a horizontal line.

Scott C. Cinnamon
Its Counsel

BROWN NIETERT & KAUFMAN
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October 13, 1994



**COMMUNITY EDUCATIONAL ASSOCIATION
P.O. BOX 847
Mayaguez, P.R. 00680**

October 6, 1994

Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 200554

Re: Application of Community Educational
Association for New Non-Commercial
Educational FM Station At Holly Hill, FL
BPED-930316MF
Amendment

Dear Sir/Madam:

I, Jose Mercado, President of applicant Community Educational Association, wish to amend our pending application for a new non-commercial educational FM station to serve Holly Hill, Florida, to include the attached document which more fully explains CEA's commitment to education and how it will use the radio station to advance that commitment. CEA has worked very hard with its counsel over the past 30 to 45 days, since submitting its to prepare this document.

Sincerely yours,

Jose Mercado

Jose Mercado, President
Community Educational Association

COMMUNITY EDUCATIONAL ASSOCIATION

Advancement of Educational Program

Community Educational Association ("CEA") is an educational organization committed to promoting and assisting the various charitable, religious and educational organizations and causes of the area. CEA's educational program will be utilized to increase political and social awareness by improving relations between different cultural groups, with a special focus on Hispanic/Anglo relations and teaming with local community leaders to help members of the community stay aware of issues of importance.

CEA will also work to improve the public's health and safety through its educational program. It will hold forums for teenagers with adult moderators so that issues such as increasing violence and drug use can be discussed openly. CEA will also work with local community groups and schools to sponsor forums/workshops on issues such as health care, bridging the gap between cultures and languages, family life and the importance of staying in school.

CEA will also work with educational leaders to launch a "Radio School" program. Companion written material will be developed for courses that will be offered over CEA's station. The classes will focus on basics skills and knowledge (Basic math, English, Reading Skills, Health, Hygiene, Drug Abuse and Disease Prevention) and will be offered in Spanish and English.

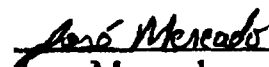
CEA will also work with area schools to offer facility tours and training/internship opportunities for interested students to learn about radio broadcasting.

CEA will keep its programming responsive to the changing issues and concerns of the community by conducting informal ascertainment with community leaders (political, educational, religious and civic).

It will offers public affairs and news programming in English and Spanish. Call-in and interview shows will be offered with themes such as adult offering insight to children on how to cope with the problems of growing up (violence, drugs, single-parent households); health professional answering question on current issues (AIDS and "safe sex", drug/alcohol abuse, preventive medicine, child care) and local leaders offering insights on issues of local importance.

In summary, the educational program of the applicant will strengthen the community by offering information to enhance its political, social and moral awareness.

Respectfully submitted,



Jose Mercado
President

CERTIFICATE OF SERVICE

I, Scott C. Cinnamon, do certify that on this 13th day of October, 1994, a copy of the foregoing **PETITION FOR LEAVE TO AMEND** was sent via first class mail, postage pre-paid or delivered, as indicated, to the parties set forth below:

Honorable Joseph Chachkin
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 221
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Scott C. Cinnamon

- * - Hand Delivery
- ** - via FCC Mailroom